

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NELSON BIRDWELL : CIVIL ACTION  
v. :  
LOUIS S. FOLINO, et al. : NO. 06-02039-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

March 28, 2007

Petitioner, who is serving a life sentence for first degree murder, has petitioned for a writ of habeas corpus. The United States Magistrate Judge to whom the case was referred for a report and recommendation has filed a comprehensive report, pointing out that all of petitioner's claims are procedurally defaulted, and also that, even if they could be considered at this stage, all of his claims lack merit. Petitioner has filed objections to the Magistrate Judge's report, but the objections, for the most part, constitute merely generalized statements of legal principles, or merely express petitioner's disagreement with the Magistrate Judge's findings and conclusions. I have carefully considered petitioner's objections, but have no difficulty in concluding that Magistrate Judge Scuderi has correctly decided all of the pertinent issues, and that his recommendation should be adopted.

An Order follows.

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ORDER

AND NOW, this 28<sup>th</sup> day of March 2007, upon  
consideration of the Report and Recommendation of United States  
Magistrate Judge Peter B. Scuderi, and petitioner's objections to  
that Report, IT IS ORDERED:

1. Petitioner's objections to the Magistrate Judge's Report are OVERRULED.
2. The Report and Recommendation of Magistrate Judge Peter B. Scuderi is APPROVED and ADOPTED.
3. The petition for writ of habeas corpus is DENIED.
4. There is no probable cause for an appeal.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.